

REMARKS

By this amendment, the drawings and claims 1, 3, 7, and 10, have been revised and claim 5 is canceled to place this application in condition for allowance. Currently, claims 1-4, 6-12 and 14-30 are before the Examiner for consideration on their merits.

Applicant also wishes to thank Examiner Greenhut for the interview conducted on February 8, 2007. In response to the Examiner's indication that any amendments would raise new issues, this filing is made in conjunction with an RCE, and the issues raised in the Office Action are addressed below under their respective headings.

DRAWINGS

In response to the objection to the drawings, the specification is revised so that 122 is not used twice and Figures 1 and 2A are revised to correctly identify the toe 127 and include reference numerals for the u-shaped plate 120 and web 122. Also, Figure 19 is revised so that the hitch contact area previously identified as 713 is not 714, and the specification is revised accordingly.

PRIOR ART REJECTION

Turning now to the prior art rejections, the Examiner has withdrawn the previously-made rejections in favor of a new rejection that relies on the Applicant's prior art trailer as a primary reference to reject all of the independent claims.

It is contended that Applicant's prior art trailer neither anticipates nor renders the claims obvious in light of the amendments made above. The arguments in favor of the patentability of the claims are addressed below according the claimed element in question.

Claim 1

Applicants prior art trailer does not teach the claimed box beam whose top and bottom terminate at side walls of the beam that are spaced inwardly from the sides of the trailer bed. While the Examiner may consider a center portion of the lateral box beam of the prior art trailer to be a box beam as well, this ignores the limitation that the top and bottom portion of the beam terminate at outer side walls of the beam.

The top and bottom of the box beam of the prior art trailer extends the width of the trailer. To parse the box beam of the prior art into three distinct box beams distorts the meaning of box

beam since the load seen by the central portion of the lateral box beam of the prior art trailer is not confined to that central portion, it is distributed across the entire width of the box beam, said width corresponding to the width of the trailer.

Secondly, the prior art trailer does not teach that a substantial portion of the beam is between the hitch contact area and the end of the trailer. In the prior art trailer, the hitch contact area is adjacent the end of the trailer, and the space between the contact portion and the trailer cannot be considered a substantial portion of the beam.

Claim 3

For claim 3, the prior art trailer also does not teach the box beam having a substantial portion between the hitch contact area and end of the trailer bed.

As with claim 1, claim 3 defines that the top and bottom of the box beam terminate at the outer surface side walls of the beam. This configuration is not found in the prior art trailer for the reasons set out for claim 1.

Claims 7 and 10

Claims 7 and 10 are distinguishable over the prior art trailer for the same reasons as claim 1 as well as the absence of the claimed ramp sections. In the rejection, the Examiner cites Applicant's own teachings as grounds to contend that the ramp sections of the prior art trailer can be attached to the ramp section. This is improper for two reasons. First, the Examiner cannot use Applicant's own disclosure to support a rejection. Moreover, there is no admission that the prior art ramps can be removably attached to the trailer bed front end portion.

Second, the method of claim 10 is not necessarily taught regardless of the contention that the integral front end assembly of the prior art trailer has removably attachable ramp sections. While the Examiner contends that the ramps sections of the prior art trailer could be removed, where is the teaching of attaching the side sections and attaching a removable ramp as recited in this claim? Even if the Examiner could rely on a process of removing the front end assembly of the prior art trailer as part of a retrofit, where is the teaching of the attaching step with the box beam already in place? This aspect of the rejection is pure speculation on the Examiner's part and such a stance could not be sustained on appeal.

Claim 14

Applicant contends that the rejection of claim 14 is misplaced. The Examiner asserts that it

would be obvious to employ tapered rails with webs and opposing flanges for structural rigidity as a replacement for the construction of the front end assembly of the trailer of the admitted prior art. This contention does not rise to the level required to support a rejection under 35 U.S.C. § 103(a). The front end assembly is described in the specification as employing plates and support members, which would be seem to be lighter in weight than flanged rails, thus detracting from the allegation that one would use the claimed features for the reasons proffered by the Examiner. It is argued that there is no basis to allege that the features of claim 14 are obvious variants of the admitted prior art trailer, and that this claim stands alone for purposes of patentability.

Claim 24

In the rejection, the Examiner acknowledges that the admitted prior art does not teach the claimed adapter block. The Examiner cites United States Patent No. 3,536,340 to Talbert for the proposition that an adapter block is known, pointing to reference numeral 31 in the reference. The prior revision to claim 24 to clarify that the adapter block is underneath the top surface in the stored position is not shown in Talbert. Thus, even if the block of Talbert were used, the modified admitted prior art trailer would still not meet the current limitations of claim 24.

It is further argued that since the trailer already has ramp sections, why would one use the adapter block of Talbert on a trailer that already has ramp sections? There is no reason to do so, and claim 24 is separately patentable from the admitted prior art and Talbert.

REMAINING CLAIMS

Since the remaining claims are dependent on one of the claims argued above to be patentable over the applied prior art, they are in condition for allowance by reason of their dependency.

SUMMARY

It is contended that the Examiner has not established a *prima facie* case of anticipation or obviousness against the claims 1, 3, 7, 10, 14, and 24 as argued above and these claims are patentably distinguishable over the applied prior art. Their respective dependent claims are also in condition for allowance.

Accordingly, the Examiner is respectfully requested to examine this application and pass all

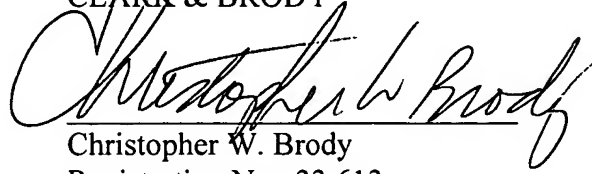
pending claims onto issuance.

The above constitutes a complete response to all issues raised in the Office Action dated November 28, 2006.

Again, reconsideration and allowance of this application is respectfully requested.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in cursive script, appearing to read "Christopher W. Brody", written over a horizontal line.

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